

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MATTHEW OAKES, et al.,)	CASE NO. 5:11CV1006
)	
Plaintiffs,)	
)	JUDGE SARA LIOI
vs.)	
)	
J.F. BERNARD, INC., et al.,)	ORDER
)	
Defendants.)	
)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action issued on August 1, 2012. Under the explicit terms of that report and recommendation, and in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court: “Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after the party objecting has been served with a copy of this Report and Recommendation.” (Doc. 27 at 14-15); *see also* Fed. R. Civ. P. 72; L.R. 72.3. In this case, the fourteen-day period has elapsed, and no objections have been filed.

The failure to file written objections to the Magistrate Judge’s report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *see also* L.R. 72.3(b).

The Court has reviewed the Magistrate Judge's report and recommendation (Doc. No. 467) and adopts the same. Accordingly, the Court **GRANTS** defendants’ unopposed motion

to dismiss plaintiff John J. Johnston from this case pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute his claims. Plaintiff Johnston is hereby dismissed with prejudice.

IT IS SO ORDERED.

Dated: August 16, 2012



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE